

Statutory Language for Property Division Order (Awarding an Interest)

*The statutory language below **must be followed exactly** when writing a provision in a dissolution order that instructs the Department to pay a portion of a member's monthly benefit or withdrawal of contributions based upon a member's community property division obligation. A provision that deviates from this form is not in compliance with RCW 41.50.670 and cannot be honored by the Department. Be sure to include both paragraphs in the order you draft. Please include the Social Security Number of both the obligor and the obligee.*

If _____ (the obligor) receives periodic retirement payments as defined in RCW 41.50.500, the Department of Retirement Systems shall pay to _____ (the obligee) _____ dollars from such payments or _____ percent of such payments. If the obligor's debt is expressed as a percentage of his or her periodic retirement payment and the obligee does not have a survivorship interest in the obligor's benefit, the amount received by the obligee shall be the percentage of the periodic retirement payment that the obligor would have received had he or she selected a standard allowance.

If _____ (the obligor) requests or has requested a withdrawal of accumulated contributions as defined in RCW 41.50.500, or becomes eligible for a lump sum death benefit, the Department of Retirement Systems shall pay to _____ (the obligee) _____ dollars plus interest at the rate paid by the Department of Retirement Systems on member contributions. Such interest to accrue from the date of this order's entry with the court of record.

The court may specify in the decree which benefit option an obligor will select at retirement. Pursuant to RCW 41.50.790, this requires that the decree contain a provision that states in substantially the following form:

When _____ (the obligor) applies for retirement, the Department shall designate _____ (the obligee) as survivor beneficiary with a _____ survivor benefit.

*If the obligor selects, or the court mandates, a survivorship option, the survivor will receive a benefit that is based on the obligor's **entire career** rather than on the period of time when the marital community existed.*

The next page shows a sample of a completed form complying with RCW 41.50.670.

Sample Order Enforcing Property Division Obligation (Awarding an Interest)

*This is an example of an order requiring a property division of a member's retirement benefit. The underlined information should be altered as dictated by the circumstances of your case. The rest of the language in the sample **must appear exactly as written** or the order will not be in compliance with RCW 41.50.670.*

If John Doe (the obligor) receives periodic retirement payments as defined in RCW 41.50.500, the Department of Retirement Systems shall pay to Jane Doe (the obligee), N/A dollars from such payments or a fraction where the numerator is equal to 240 (the number of months in which service credit was earned in the Law Enforcement Officers' and Fire Fighters' Retirement System while the marital community was in existence) and the denominator is equal to 300 (the number of months of service credit earned by the retiree at the time of retirement) X 50 percent of such payments. If the obligor's debt is expressed as a percentage of his or her periodic retirement payment and the obligee does not have a survivorship interest in the obligor's benefit, the amount received by the obligee shall be the percentage of the periodic retirement payment that the obligor would have received had he or she selected a standard allowance.

If John Doe (the obligor) requests or has requested a withdrawal of accumulated contributions as defined in RCW 41.50.500, or becomes eligible for a lump sum death benefit, the Department of Retirement Systems shall pay to Jane Doe (the obligee) 35,700 dollars plus interest at the rate paid by the Department of Retirement Systems on member contributions. Such interest to accrue from the date of this order's entry with the court of record.

Note: Service and contribution dates will be rounded by DRS to whole months.

The court may specify in the decree which benefit option an obligor will select at retirement. Pursuant to RCW 41.50.790, this requires that the decree contain a provision that states in substantially the following form:

When John Doe (the obligor) applies for retirement, the Department shall designate Jane Doe (the obligee) as survivor beneficiary with an Option 3 survivor benefit.

*If the obligor selects, or the court mandates, a survivorship option, the survivor will receive a benefit that is based on the obligor's **entire career** rather than on the period of time when the marital community existed.*